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Fiftieth session
Agenda items 8 and 28
ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK
THE SITUATION IN BOSNIA AND HERZEGOVINA

SECURITY COUNCIL
Fiftieth year

Letter dated 17 November 1995 from the Permanent Representative of Slovenia to the United Nations addressed to the Secretary-General

I have the honour to transmit the letter dated 15 November 1995 from H.E. Mr. Zoran Thaler, Minister for Foreign Affairs of the Republic of Slovenia addressed to you (see annex).

I should be grateful if you would have the text of the present letter and its annex circulated as an official document of the General Assembly, under agenda items 8 and 28, and of the Security Council.

(Signed) Dr. Danilo TÜRK
Ambassador
Permanent Representative of
Slovenia to the United Nations

ANNEX

Letter dated 15 November 1995 from the Minister for Foreign Affairs of Slovenia to the Secretary-General

In the light of the latest developments regarding the settlement of the crisis in the Balkans, I should like to draw your attention to some issues regarding the succession of States which we are surprised to hear might be the subject of peace negotiations. Such development may have negative consequences for the interests of States that have not been involved in the war.

The position of the Republic of Slovenia is that succession issues should be resolved independently and separately from the peace process, and in a manner which would guarantee the successor States to the former Socialist Federal Republic of Yugoslavia equal status.

The Federal Republic of Yugoslavia (Serbia and Montenegro) is aggressively striving to gain recognition by the international community as the sole successor State, i.e., the State that would continue the international legitimacy of the former Socialist Federal Republic of Yugoslavia.

In this context, I should like to call your attention to Security Council resolution 777 (1992), which states "that the State formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist" and "that the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations" and "should apply for membership in the United Nations". This has also been the opinion expressed by the Badinter arbitration commission of the International Conference on the Former Yugoslavia.

Slovenia is of the opinion that any departure from the Security Council's resolution and from the principles of equality of the successor States could being about adverse economic and political effects. Giving way to one party regarding the continuity of the former Federation would create the legal basis for increased pressures and demands on the side of the Federal Republic of Yugoslavia (Serbia and Montenegro) towards other successor States. This would cause new problems and frictions and could serve as a source of new conflicts.

The failure to respect one's own resolutions in the search for compromise solutions would be a very bad example and would erode the credibility of the United Nations, the Security Council and the Member States.

Slovenia is deeply concerned that, following the possible lifting of sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro), the common foreign exchange reserves and the properties abroad could remain in the final use of the Federal Republic of Yugoslavia (Serbia and Montenegro). That would be unacceptable.

Our concern is justified by the fact that the Federal Republic of Yugoslavia (Serbia and Montenegro) is laying claim to the release of financial assets abroad in order to cover its humanitarian requirements. Along with this

claim, the Federal Republic of Yugoslavia (Serbia and Montenegro) National Bank, established in 1993, is unlawfully presenting itself as the successor to the former "National Bank of the Socialist Federal Republic of Yugoslavia" and using the full powers of the former Yugoslav National Bank.

Should the sanctions be relaxed, Slovenia could only accept such a relaxation as would not encroach upon property, and particularly not on the financial assets of the former Socialist Federal Republic of Yugoslavia, which should remain frozen until the settlement of succession issues within the International Conference on the Former Yugoslavia. Financial sanctions are the most effective measure for the exertion of pressures on Belgrade and should continue to remain in force. Should the sanctions on non-strategic goods be relaxed, the International Federal Republic of Yugoslavia (Serbia and Montenegro) shall perform financial transactions only from and to new bank accounts.

(Signed) Z. THALER
Minister for Foreign Affairs
of the Republic of Slovenia

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

SECURITY COUNCIL
Fiftieth year

Letter dated 17 November 1995 from the Permanent Representative of the United States of America to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the text of a statement issued on 10 November 1995 by the White House, on behalf of President Clinton, regarding the executions on 10 November 1995 of nine environmental and human rights activists in Nigeria (see annex). The trial, sentencing and execution of these activists without benefit of due process of law demonstrates the rapidly deteriorating human rights situation in Nigeria. If this trend continues, the tension and instability within Nigeria could have an effect on the peace and security of the entire region.

I should be grateful if the text of the present letter and its annex could be circulated as a document of the General Assembly, under agenda item 112 (b), and of the Security Council.

(Signed) Madeleine K. ALBRIGHT

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ANNEX

Statement by the Fress Secretary on 10 November 1995

The United States strongly condemns the execution today of environmental and human rights activist Ken Saro-Wiwa and eight others accused of murder in May 1994. These executions demonstrate to the world the Abacha regime's flaunting of even the most basic international norms and universal standards of human rights.

Mr. Saro-Wiwa was a champion of the rights of his fellow Ogoni people and a world leader in the struggle to preserve our environment. He was a distinguished author, an Amnesty International Prisoner of Conscience and the recipient of many international awards. The United States extends its sincere condolences to the families of those executed. Their deaths will be mourned around the world.

The United States deplores the gravely flawed process by which Mr. Saro Wiwa and his associates were convicted and executed. They were condemned outside the traditional judicial system and without regard for due process. This latest action follows the 1 October announcement by the Government of Nigeria of a transition to democracy that lacks credibility. In addition, we have strongly condemned the imposition of harsh sentences last month on the alleged coup plotters. In that case, a secret trial also denied the defendants due process.

In response to these actions, President Clinton has decided:

To recall Ambassador Carrington from Lagos for consultations;

To protest the executions to the Nigerian Ambassador to the United States, Zubair Mahmud Kazaure;

To ban the sale and repair of military goods and services to Nigeria;

To extend our ban on visas, which currently prohibits the entry into the United States of senior military officers and senior government officials and their families, to include also all military officers and civilians who actively formulate, implement or benefit from the policies that impede Nigeria's transition to democracy;

To ask his Ambassador to the United Nations, Madeleine Albright, to begin consultations immediately on appropriate United Nations measures to condemn these actions; and

Henceforth, to require Nigerian government officials visiting the United Nations or the international financial institutions to remain within 25 miles of those organizations;

We will continue to oppose International Monetary Fund loans and credits and debt relief for Nigeria.

The United States reiterates its call on the Nigerian leadership to speed the transition to democracy starting by releasing all political detainees immediately and unconditionally. We again urge the Nigerian Government to take bold, credible steps to restore Nigeria promptly to civilian democratic rule, and will keep additional measures under review.